

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
SCANSOFT, INC.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04-10840-PBS
)	
ART ADVANCED RECOGNITION)	
TECHNOLOGIES, INC.)	
)	
Defendant.)	
_____)	

SCANSOFT, INC.’S MOTION FOR ATTORNEYS’ FEES PURSUANT TO RULE 56(g)

ScanSoft, Inc. (“ScanSoft”) hereby moves for its attorneys’ fees pursuant to Fed. R. Civ. P. 56(g) for responding to the filing of an inadequate and unsworn Declaration of Eran Aharonson in Support of ART Advanced Recognition Technologies, Inc.’s (“ART”) Motion of Summary Judgment of Non-Infringement of U.S. Patent No. 6,501,966 (the “’966 patent”). This Declaration and the summary judgment motion have merely added expense and delay to this case.

As grounds for this motion, ScanSoft states that rather than allow discovery to proceed in order to develop the facts with regard to the products of ART that infringe the ‘966 patent, ART hastily filed the insufficient and unsworn Declaration of ART’s former CEO in support of a premature summary judgment motion. In addition, while acknowledging that expert testimony is necessary to its case and although promising to supply it at a later date, *after* ScanSoft has responded [sic], ART has provided no expert testimony support whatsoever to its premature motion. A memorandum fully setting forth the deficiencies in the Declaration is submitted

herewith. Accordingly, ScanSoft respectfully requests that the Court grant this motion and award ScanSoft its reasonable expenses in responding to the unsupported summary judgment motion and unsworn declaration.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1

I hereby certify that I have conferred with counsel for defendants on September 13, 2004 and have been unable to resolve the issues raised by this motion.

Dated: September 13, 2004

SCANSOFT, INC.
By its attorneys,

/s/ Julia Huston
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